IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 678 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

AMIN HUSSAINKHAN - Applicant(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :

THROUGH JAIL for Applicant(s) : 1,

MR KT DAVE, ADDITIONAL PUBLIC PROSECUTOR for the Respondents.

==========

CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 03/05/2006

ORAL JUDGMENT

1. Rule. Mr.K.T.Dave, learned Additional Public Prosecutor waives service of rule on behalf of the respondents.

2. Present is the application received by post. The application is dated 13.03.2006 addressed to the Hon'ble the Chief Justice, High Court.

In the application, it is mentioned that while the petitioner – convict was in Junagadh jail, he was informed by the Jail Subedar that he is to be shifted to the Central Prison, Ahmedabad. To avoid that, he will have to show his age to be that of 20 years. It is the allegation in the application that to avoid that jail transfer, he will have to pay Rs.10,000/-. It is the case of the petitioner that being a poor person, was not able to arrange for Rs.10,000/- and denied to pay that amount demanded by the Jail Subedar – Jagmal Ahir, who then abused the petitioner – convict and also beaten him and thereafter, brought a blade and threatened the petitioner – convict of life and caused injuries to the petitioner – convict with blade.

It is further stated in the application that thereafter, the petitioner – convict was taken to the Civil Hospital, Junagadh, there he lodged a complaint in the police on 12.10.2005, but as on date, no investigation is made and therefore, this application is made to the Hon'ble the Chief Justice.

3. Mr.K.T.Dave, learned Additional Public Prosecutor

produces on record the papers, including communication dated 28.04.2006 from the Office of the Additional Director General of Police and Inspector General of Prisons to the Assistant Government Pleader. It is mentioned in the communication that, it is according to 're-classification rules' that Junagadh District Jail is meant for juvenile prisoners and prisoners completing 23 years of age are to be shifted to Ahmedabad Central Jail; that this exercise is undertaken only after placing the details of individual cases before the committee constituted for the purpose; that in the case of the present petitioner – convict, the sanction was accorded by the committee by communication dated 15.10.2005; that the petitioner – convict wanted to create dominance and was also committing breach of jail rules for which he was orally warned, he was frequently visiting Civil Hospital under the pretext of illness; that on 11.10.2005, the petitioner – convict of hos own inflicted injuries on his self, he was required to be taken to Civil Hospital, Junagadh at 22.12 P.M. There, the petitioner – convict himself gave the history to the doctor. In that, he stated that he himself had caused injuries on his person by blade as he had lost the mantle balance. Later on, his statement was recorded, which supports the history given by him before the doctor.

The application is found to be without any

substance. It is clear from the papers that the petitioner filed this application to cause undue harassment to the police personnel.

4. Now that the petitioner – convict is already shifted to Sabarmati Central Jail, Ahmedabad, cause of his loosing the temper and mantle balance does not survive.

The application, it is rejected. Rule is discharged.

(RAVI R.TRIPATHI, J.)

*Shitole